

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 113466:EJH:rd		Date of mailing (day/month/year) 22 NOV 2004	
International application No. PCT/AU2004/001427		International filing date (day/month/year) 15 October 2004	
Priority date (day/month/year) 17 October 2003		FOR FURTHER ACTION See paragraph 2 below	
International Patent Classification (IPC) or both national classification and IPC Int. Cl. 7 B60G 17/015, 17/056, 21/06, 21/067, 21/073, 21/08, 23/00; F16F 9/50			
Applicant ACTIVE AIR SUSPENSIONS LIMITED et al.			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer L. DESECAR Telephone No. (02) 6283 2381
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001427

Box No. I	Basis of the opinion
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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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**WRITTEN OPINION OF THE
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International application No.

PCT/AU2004/001427

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 10, 13, 18-20, 23, 34	YES
	Claims 1-9, 11-12, 14-17, 21-22, 24-33, 35-37	NO
Inventive step (IS)	Claims 20, 23, 34	YES
	Claims 1-19, 21-22, 24-33, 35-37	NO
Industrial applicability (IA)	Claims 1-37	YES
	Claims	NO

2. Citations and explanations:

NOVELTY (N) Claims 1-9, 11-12, 14-17, 21-22, 24-33, 35-37:

(a) US 5119297 A	1-9, 11-12, 14-17, 21-22, 24-33, 35-37	New citation.
(b) US 5088761 A	1-9, 11-12, 14-17, 21-22, 24-33, 35-37	New citation.
(c) US 4468050 A	1-6, 8-9, 11	
(d) US 6000702 A	1-6, 8-9, 11	
(e) US 4717172 A	1-6	

Each of the above documents also cited in the international search report (except documents (a) and (b) which are new citations) discloses all of the features of the claims identified alongside.

Claims 1, 21, 25, 35-36:

For example document (a) see column 1 line 56 to column 21 line 63, Figures 1-18C, wherein it clearly discloses a vehicle suspension system involving the features as defined and in particular a fluid operated extension element (1FR, 1FL, 1RR, 1RL), a controller (200), a plurality of sensors (16, 195, 197-199, 216, 218, 114, 234, 236, 238, 240, 242, 244, 246, 248), a fluid flow controller (40, 42, 44, 46), a first sensor (144), a second sensor (199).

Claim 2-9, 11-12, 14-17, 22, 24, 26-33, 37:

The additional features introduced by the respectively appended claims are similarly disclosed in the document (a) for example:

- a third sensor /vertical movement of the chassis	see column 8 lines 54-55, Figures 2, 8C item 248
- a fourth sensor/lateral acceleration	see column 8 line 46, Figures 2, 9B item 238
- a fifth sensor/steering angle	see column 8 lines 47-48, Figures 2, 15 item 240
- a sixth sensor/speed of the chassis	see column 8 lines 42-43 , Figure 2 item 234.

INVENTIVE STEP (IS) Claims 1-19, 21-22, 24-33, 35-37:

Claims 1-9, 11-12, 14-17, 21-22, 24-33, 35-37: As above.

Claims 10, 13, 18-19: The additional features introduced by these claims merely amount to common general knowledge hence do not involve an inventive step.